

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 2/2/2016	(3) CONTACT/PHONE Stephanie Fuhs, Planner/(805)781-5721	
(4) SUBJECT Hearing to consider proposed amendments to 1) San Luis Obispo County General Plan - Land Use and Circulation Element, San Luis Bay Inland Sub Area of the San Luis Obispo Area Plan, 2) the County Official Maps – Part III of the Land Use Element/Local Coastal Plan (Estero Area Plan), 3) San Luis Obispo Sub Area of the San Luis Obispo Area Plan, 4) Title 22 of the County Code – the Land Use Ordinance for the Winter 2016 General Plan Amendment Cycle; includes approval of environmental documents. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports. 2. Take final action on the amendments heard today by adopting and instructing the Chairperson to sign the attached resolution and ordinances. 			
(6) FUNDING SOURCE(S) Application fees and Planning Dept budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>60 minutes</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: <u> </u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 2/2/2016

SUBJECT: Hearing to consider proposed amendments to 1) San Luis Obispo County General Plan - Land Use and Circulation Element, San Luis Bay Inland Sub Area of the San Luis Obispo Area Plan, 2) the County Official Maps – Part III of the Land Use Element/Local Coastal Plan (Estero Area Plan), 3) San Luis Obispo Sub Area of the San Luis Obispo Area Plan, 4) Title 22 of the County Code – the Land Use Ordinance for the Winter 2016 General Plan Amendment Cycle; includes approval of environmental documents. All Districts.

RECOMMENDATION

It is recommended that the Board of Supervisors:

1. Hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports.
2. Take final action on the amendments heard today by adopting and instructing the Chairperson to sign the attached resolution and ordinances.

DISCUSSION

At today's meeting, your Board will hold a public hearing on the following amendments recommended for approval by the Planning Commission and take final action through adoption of a resolution and ordinances.

The Planning Commission is transmitting the record of its meetings of September 24, 2015, October 29, 2015 and December 10, 2015 to your Board for the attached proposed amendments as follows:

Item 1.

A request by **FRANK MAZZONE** for an amendment to the San Luis Bay Inland Sub Area of the San Luis Obispo Area Plan of the Land Use and Circulation Element to change the land use category from Agriculture (16.74 acres) to Residential Rural. A Planning Area Standard is also

proposed which will limit any future subdivision to two parcels and prohibit secondary residences. The project site is located at 6505 Monte Road, San Luis Obispo on the east side of Highway 101 at the intersection of San Luis Bay Drive and Monte Road, approximately 3 miles south of the City of San Luis Obispo, in the San Luis Bay Inland Sub-area North of the San Luis Obispo Planning Area.

County File Number: **LRP2013-00016** Assessor Parcel Number: 076-251-044
Supervisory District: 3 Date Authorized: September 23, 2014
Environmental Determination: General Rule Exemption

The Planning Commission considered the above amendments and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Campbell, seconded by Commissioner Irving and carried (3-0) with Commissioners Harrison and Meyer absent, recommending to the Board of Supervisors approval of the amendments as shown in Exhibits LRP2013-00016:B and LRP2013-00016:C, based on Findings in Exhibit LRP2013-00016:A.

Background

The applicant requested an amendment to the San Luis Bay (Inland) Area Plan of the Land Use Element to change the land use category from Agriculture (16.74 acres) to Residential Rural. A Planning Area Standard was also proposed which will limit any future subdivision to two parcels and prohibit secondary residences.

The Planning Commission commented that the project applied good logic and that there were no concerns.

Item 2.

A request by the **COUNTY OF SAN LUIS OBISPO** to amend the County's Official Maps – Part III of the Land Use Element /Local Coastal Plan (Estero Area Plan) by adjusting the Urban Services Line to include the neighborhood of Monarch Grove. This amendment would allow the Monarch Grove neighborhood to be served by the Los Osos Wastewater Project. The area is located west of Pecho Valley Road and south of Monarch Lane in the neighborhood of Monarch Grove, in the community of Los Osos (Estero Area Plan).

County File Number: **LRP2014-00021**
Assessor's Parcel Number(s): 074-028-001 thru 035; 074-027-001 thru 039; and 074-029-001 thru 015
Supervisory District: 2
Date Authorized: June 2, 2015
Environmental Determination: Class I Categorical Exemption

The Planning Commission considered the above amendments and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Meyer, seconded by Commissioner Irving and carried (5-0), recommending to the Board of Supervisors approval of the amendments as shown in Exhibit LRP2014-00021:B, based on Findings in Exhibit LRP2014-00021:A.

Background

The Planning Commissioners asked questions regarding the costs associated with the neighborhood to connect the Los Osos Wastewater Project. Public Works staff and Los Osos Wastewater Project Manager John Waddell provided responses regarding costs. The Commission found the proposal straightforward and recommended approval of the amendment to the Board of Supervisors as presented by staff.

Item 3.

A request by **PAUL VANDERHEYDEN** for a General Plan Amendment to the San Luis Obispo Sub Area of the San Luis Obispo Area Plan of the Land Use and Circulation Element to change the land use category on a 21.5 acre site from Agricultural to Residential Rural. The project is located approximately 500 feet east of the eastern terminus of Tiburon Way, on the east side of Orcutt Road, located on the eastern boundary of the City of San Luis Obispo, in the San Luis Obispo Sub Area of the San Luis Obispo planning area.

County File Number: **LRP2010-00006** Assessor Parcel Number: 076-531-009
Supervisory District: 3 Date Authorized: July 9, 2013
Environmental Determination: Mitigated Negative Declaration

The Planning Commission considered the above amendments and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Meyer, seconded by Commissioner Harrison and carried (4-0 with Commissioner Campbell absent), recommending to the Board of Supervisors approval of the amendments as shown in Exhibits LRP2010-00006:B and LRP2010-00006:C, based on Findings in Exhibit LRP2010-00006:A.

Background

The amendment request was originally submitted in January 2011 at a time when Planning staff was processing the Land Use and Circulation Element Update (LUCE). Applicants for individual general plan amendments (GPA) had the option to be included in the processing of a LUCE Update to save costs. However, since the portion of the LUCE update dealing with substantive land use change had been delayed, the applicant opted to pursue the amendment request independent of the LUCE. On July 9, 2013, the Board of Supervisors authorized the processing of the applicant's request for the land use and circulation element change to amend the San Luis Obispo Area Plan; and change the Agriculture Element land use designation from Agriculture to Small Lot Rural for the purpose of subdivision of the property into two parcels.

The GPA will not result in any physical change to the environment. However, the amendment would allow the applicant to divide the property into two parcels for individual sale and/or development. Future allowed development (one primary and one secondary dwelling per parcel) allowed by the amendment is not substantially different than existing allowed development on the site (one primary and one guesthouse). Additionally, to be consistent with County procedures and the County Open Space Element policies, any future subdivision or proposed development on the property should require submittal of a Biological Report to address potential impacts to those species and habitats identified by the environmental document issued October 22, 2015. As such, a planning area standard is proposed (San Luis Obispo sub-area standards of the San Luis Obispo Planning Area) where at the time of application of a land division or development; a Biological report will be required to be submitted. The report would discuss impacts to those species and habitats discussed in the

'Settings' section of the environmental document.

The Planning Commission recommended approval of the amendment to the Board of Supervisors on December 10, 2015 as presented by staff. Commissioners also sought to limit the parcel size and number of times the parcel could potentially be subdivided in the future; however, Section 22.96.050(E)(1)(b) already limits parcel size in the Residential Rural land use category for new land divisions to 10 acres; therefore, an additional planning area standard was not necessary.

Item 4.

A request by the **COUNTY OF SAN LUIS OBISPO** for an ordinance to amend Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending Section 22.30.204 to correct an internal inconsistency. At a public hearing on October 27, 2015, the Board of Supervisors adopted Ordinance 3308 to amend Title 22 to set forth requirements for Agricultural Offset Clearances as part of the Countywide Water Conservation Program. Prior to adoption, the Board removed a provision related to planting that occurred between August 27, 2015 and the effective date of Ordinance 3308. This language was removed according to Board direction, but inconsistent language remains in the applicability section (Section A) of 22.30.204. The proposed ordinance would amend Title 22 Section 22.30.204 to remove all reference to the deleted language consistent with Board direction. The proposed ordinance affects Districts 1 and 5.

County File Number: **LRP2015-00006**

Assessor Parcel Number: N/A

Supervisory District: 1 and 5

Date Authorized: March 4, 2014

Environmental Determination: Environmental Impact Report (certified by the Board on October 27, 2015)

Background

During deliberations at the October 27, 2015 Board of Supervisors hearing to consider the countywide water conservation program, the Board removed a specific provision of the ordinance prior to adoption. Specifically, the Board removed Section 22.30.204(G)(7), which stated:

"Any New or Expanded Irrigated Crop Production overlying the PRGWB (excluding the Atascadero Sub-basin), that occurs between the expiration of the Paso Robles Groundwater Basin Urgency Ordinance (Ordinance Nos. 3246 and 3247), on August 27, 2015, and the effective date of this section shall not qualify as planting credits in any future applications for an Agricultural Offset Clearance."

However, language inconsistent with the Board's intent inadvertently remained in the adopted ordinance. Specifically a portion of the third sentence in Section 22.30.204(A) is inconsistent with Board direction. The proposed ordinance would amend Title 22 Section 22.30.204 to remove a portion of third sentence in Section 22.30.204(A) consistent with Board direction. The specific language to be removed from Section 22.30.204(A) is shown in strikeout as follows:

~~"In no case shall a request for an agricultural offset clearance be granted for a site outside the PRGWB (excluding the Atascadero Sub-basin) or if any New or Expanded Irrigated Crop Production on the site has occurred between the expiration of the Paso Robles Groundwater Basin Urgency Ordinance, on August 27, 2015, and the effective date of the provisions specified within Section 22.030.204."~~

OTHER AGENCY INVOLVEMENT/IMPACT

The amendments were referred to all applicable responsible agencies and were reviewed and recommended for approval by the Planning Commission. For a detailed listing of agencies, please refer to each project's staff report.

In addition, County Counsel reviewed the resolution and ordinances as to form and content.

FINANCIAL CONSIDERATIONS

The Mazzone and Vanderheyden amendments are being processed through application fees paid by the applicant. The Monarch Grove and Water amendments are being processed using funds in the current Planning and Building Department budget.

RESULTS

Final approval of the requests will allow the amendments affecting inland portions of the County to become effective 30 days after the date of final action, making the effective date March 2, 2016.

Final approval of the amendments affecting coastal portions of the County will allow these amendments to be transmitted to the Coastal Commission for review and approval. The effective date of these amendments will be 30 days from the date of Coastal Commission approval.

Approving these amendments is consistent with the County goals of a safe, healthy, livable and prosperous community.

ATTACHMENTS

Attachment 1 – Resolution for Adoption

Attachment 2 – Ordinance for Adoption

Item 1 – Mazzone

Attachment 1-A – September 24, 2015 Planning Commission Resolution

Attachment 1-B – September 24, 2015 Planning Commission Minutes

Attachment 1-C – September 24, 2015 Planning Commission Staff Report

Attachment 1- D – Exhibit LRP2013-00016:C - Ordinance Amending the Land Use Ordinance, Title 22 of the County Code (clean)

Attachment 1-E - Exhibit LRP2013-00016:C - Ordinance Amending the Land Use Ordinance, Title 22 of the County Code (shows changes)

Attachment 1-F – Exhibit LRP2013-00016:B – Official Map Amendment Exhibit

Attachment 1-G – Exhibit LRP2013-00016:A - Findings

Item 2 – County of San Luis Obispo – Monarch Grove

Attachment 2-A – October 29, 2015 Planning Commission Resolution

Attachment 2-B – October 29, 2015 Planning Commission Minutes
Attachment 2-C – October 29, 2015 Planning Commission Staff Report
Attachment 2-D – Exhibit LRP2014-00021:B - Official Map Amendment Exhibit
Attachment 2-E – Exhibit LRP2014-00021:A – Findings

Item 3 – Vanderheyden

Attachment 3-A – December 10, 2015 Planning Commission Resolution
Attachment 3-B – December 10, 2015 Planning Commission Minutes
Attachment 3-C – December 10, 2015 Planning Commission Staff Report
Attachment 3-D - Exhibit LRP2010-00006:C - Ordinance Amending the Land Use Ordinance, Title 22 of the County Code (clean)
Attachment 3-E - Exhibit LRP2010-00006:C - Ordinance Amending the Land Use Ordinance, Title 22 of the County Code (shows changes)
Attachment 3-F – Exhibit LRP2010-00006:B - Official Map Amendment Exhibit
Attachment 3-G – Exhibit LRP2010-00006:A – Findings

Item 4 – County of San Luis Obispo – Water Ordinance Amendments

Attachment 4-A – Exhibit LRP2015-00006:A – Ordinance Amending the Land Use Ordinance, Title 22 of the County Code (clean)
Attachment 4-B - Exhibit LRP2015-00006:A – Ordinance Amending the Land Use Ordinance, Title 22 of the County Code (shows legislative changes)